

E-filed 8/2/07

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

GURMAIL S. BATH,

No. C07- 03521 HRL

Plaintiff,

v.

**ORDER DENYING REQUEST FOR
APPOINTMENT OF COUNSEL
WITHOUT PREJUDICE**

JOHN E. POTTER, Postmaster General United
States Postal Service,

Re: Docket No. 4

Defendant.

Plaintiff brings this action pursuant to the Civil Rights Act of 1964, alleging that his termination was discriminatory. According to the plaintiff, the alleged discrimination was based on his religion, national origin, and disability. Presently before the court is his Request for Appointment of Counsel under 42 U.S.C. § 2000e-5(f)(1)(B).

The appointment of counsel is authorized “[u]pon application by the complainant and in such circumstances as the court may deem just.” 42 U.S.C. § 2000e-5(f)(1)(B).¹ Courts consider three factors in determining whether to appoint counsel under Title VII: (1) the plaintiff’s financial resources; (2) plaintiff’s efforts to secure counsel; and (3) whether the

¹ Unfortunately, Congress has not authorized funds to pay court-appointed counsel. Therefore, an order appointing counsel is little more than a call for a lawyer to volunteer to work without any assurance of being compensated. *See Bradshaw v. United States Dist. Court for the Southern Dist. of Cal.*, 742 F.2d 515, 516 (9th Cir. 1984).

1 claims have merit. *Bradshaw v. Zoological Society of San Diego*, 662 F.2d 1301, 1318 (9th Cir.
2 1981).

3 The court has insufficient information to conclude if his claim has merit and, likewise,
4 Plaintiff's request does not include any information about his financial situation. Therefore,
5 this request is denied without prejudice. Plaintiff may at a later time file a renewed request
6 which contains more information with respect to the three categories noted above.²

7 **IT IS SO ORDERED.**

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9 Dated: 8/2/07

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11 _____
12 HOWARD R. LLOYD
13 UNITED STATES MAGISTRATE JUDGE
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21 ² Alternatively, Plaintiff may consider contacting the following organizations for
22 possible assistance in obtaining representation:

23 **Santa Clara County Bar Association Lawyer Referral Service**
24 4 North Second Street, Suite 400
25 San Jose, CA 95113
26 Phone: (408) 287-2557
27 Fax: (408) 287-6083
28 <http://www.sccba.com>

26 **Legal Aid Society - Employment Law Center**
27 South Bay Clinic
28 Alexander Community Law Center
1030 The Alameda, San Jose, CA
Tuesdays 6:00 PM - 7:30 PM (By appointment only)
Phone: (408) 288-7030

THIS SHALL CERTIFY THAT NOTICE WILL BE SENT TO:

Gurmail S. Bath
3870 Quimby Road
San Jose, CA 95148

Date: 8/2/07

/s/KRO
Chambers of Magistrate Judge Howard R. Lloyd